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1943.

File No. B. Small Holde 43

Legal Deptt
B **BRANCH**

Subject:- A Bill to amend the Bombay Small Holders Relief Act, 1938

Govt Bill No V of 1943

Bom Act No V of 1943

(P 4/43)

File No. B. Small Holders/43

Gen. 194 e.

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Office of the [illegible]

The draft bill at page 233 entahsa been suitably amended so as to extend the life of the Bombay Small Holders Relief Act, 1938, for a further period of 2 years. The draft statement on page 235 ante as amended is in order.

2. Under executive instructions the Bill requires the previous concurrence of the Governor General before enactment. (See Secretary to the Governor's Circular (Confl.), No.202(12., dated 18th December 1939). The subject matter of the Bill falls under entry No.21 in List II and entries Nos 4 and 8 in List III of the Seventh Schedule to the Government of India Act, 1935. As section 3, 4, 6 7, 9, and 11 of the Bombay Small Holders Relief Act, 1938, are repugnant to the provisions of the existing Indian laws contained in the Code of Civil Procedure, 1908, the Indian Limitation Act, 1908 and the Transfer of Property Act, 1882 and as the Bill is intended to extend the life of the Act for a ~~xx~~ further period of 2 years, the Bill will have to be reserved for the consideration of the Governor General with reference to para.(2) of the Proclamation and section 107(2) of the Government of India Act, 1935. The Bill has to be passed into law before 31st March 1943.

3. The draft notification at page 237 ante is in order.

Sd/- [illegible] 11/3

Secretary of Legal Affairs.

U.O.to S.D.No.125 Confl., Dated the 11th March 1943.

[illegible]
14.7.

IMMEDIATE. No.2011.

Legal Department.

Bombay Castle, 19th March1943.

From

P.H.Hoon, Esquire, Bar-at-Law, I.C.S.,

Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the Bombay Small Holders Relief Act, 1938.

Sir,

As desired by the Secretary to Government, Revenue Department with a view to saving delay and ensuring the timely continuance of the Bombay Small Holders Relief Act, 1938, I am directed to send herewith a copy of the Bill to amend the said Act prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935 and to request you to forward the same to the Secretary to the Governor General (Public) for obtaining the assent of His Excellency the Governor General as soon as his concurrence to the enactment of the proposed legislation is received by you.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a), (b), (c, or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. By Bombay Act No.V of 1942, the operation of the Bombay Small Holders Relief Act. 1938. was extended upto 31st March 1943. Bombay Act No.V of 1942 was reserved for the consideration of the Governor General with reference to paragraph (2) of the Proclamation and section 107(2) of the

Government of India Act, 1935. By your letter No.201(55) dated the 26th March 1941 the assent of the Governor General to that Act was communicated to this Department. The present Bill purports to extend the operation of the Bombay Small Holders Relief Act, 1938, for a further period of two years i. till 31st March 1945.

4. The subject matter of the Bill falls under entry No. 21 in List II and entries Nos. 4 and 8 in List III in the Seventh Schedule, to the Government of India Act, 1935. As sections 3,4,6,7,9 and 11 of the Bombay Small Holders Relief Act, 1938, are repugnant to the provisions of the existing Indian laws contained in the Code of Civil Procedure, 1908, the Indian Limitation Act, 1908 and the Transfer of Property Ac 1882, and as the Bill is intended to extend the life of the Act for a further period of two years, the Bill will have to be reserved for the consideration of the Governor General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935.

5. It is requested that His Excellency the Governor General may be moved to give his assent to the Bill before 31st March 1943 and to convey the assent by telegram so as to enable this Government to publish the assent before 31st March 1943 as the old Act expires on that day and the new Act must come into force on that date.

Your obedient servant,

Id/- B.N.M.
19/3
Secretary to the Govt of Bombay,
Legal Department.

Through:
The Secretary to the Government of Bombay,
Revenue Department.

RHB.
14.7.

IMMEDIATE. No. 201(55)

Office of the Governor's Secretary

Government House,

Bombay, 29th March 1943.

From

J.J.Lumb, Esquire, CIE.OBE.MC.ICS.,

Secretary to the Governor of Bombay

To,

The Secretary to Government,

Legal Department.

Subject: A Bill to amend the Bombay Small Holders Relief Act, 1938.

Sir,

With reference to your letter No.2011, dated 19th March 1943, on the above subject, I am directed to inform you that intimation has been received from the Secretary to the Governor-General (Public) that His Excellency the Governor-General assented to the Bombay Small Holders Relief (Amendment) Bill, 1943, on the 28th March 1943.

Your obedient servant,

Sd/-

for Secretary to the Governor of Bombay.

RHB.
14.7.

Acts.

Publication of the Bombay Small Holders Relief (Amendment) Act, 1943.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No.2330.
Bombay Castle, 30th March 1943.

Letter to the Secretary to the Governor, No.2041, dated the 19th March 1943.

Letter from the Secretary to the Governor, No.201(55), dated the 29th March 1943.

"With reference to your letter No.2041, dated 19th March 1943, on the above subject, I am directed to inform you that intimation has been received from the Secretaryto the Governor-General (Public) that His Excellencythe Governor-General assented to the Bombay Small Holders Relief-(Amendment) Bill, 1943, on the 28th March 1943.

RESOLUTION.- The law should be published as Bombay Act No.V of 1943, in the Bombay Government Gazette dated the 30th March 1943.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Revenue Department.

By order of the Governor of Bombay,

Sd/- S.L.CHAUDHARI
(P.N.MOOS,
For(Secretary to Government.

To

The Manager, Government Central Press, Bombay, (with a copyof the Act and with a request that 15 gazette copies the Act maybe forwarded to the Legal Department).

P.T.O.

To

The Revenue Department,
*The Oriental Translator to Government.
The Secretary to the Bombay Legislative Council.
The Secretary to the Bombay Legislative Assembly.

*With five certified copies.

With a copy of the Act.

RHB.
14.7.

No.201(55)
Office of the Governor's Secretary,
Government House,
Bombay, 2nd April 1943.

From

J.B.Irwin, Esquire, CIE.DSO.MC.IGS.,

Secretaryto the Governor of Bombay.

To

The Secretaryto Government,

Legal Department, Bombay.

Subject: A Bill to amend the Bombay Small

--Holders Relief Act, 1938.

Sir,

In continuation of my letter No.201(55) dated the 29th March 1943, on the above subject, I am directed to forward herewith the copy of the Bill to amend the Bombay Small Holders Relief Act, 1938, with His Excellency the Governor-Generalts assent signified thereon.

Your obedient servant,

Sd/-

For Secretary to the Governor of Bombay.

RHB.
16.7.

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GOVERNOR'S BILL No. IV OF 1943.

A Bill to amend the Bombay Small Holders Relief Act, 1938.

Bom. VIII of 1938.

WHEREAS it is expedient to amend the Bombay Small Holders Relief Act, 1938, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

26 Geo. 5, Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Small Holders Relief (Amendment) Act, 1943.

(*2*) It shall come into force on the 31st day of March 1943.

Amendment of section 1 of Bom. VIII of 1938.

2. In sub-section (*3*) of section 1 of the Bombay Small Holders Relief Act, 1938, hereinafter called "the said Act", for the figures "1943" the figures "1945" shall be substituted.

Bom. VIII of 1938.

Amendment of section 3 of Bom. VIII of 1938.

3. In sub-section (*2*) of section 3 of the said Act, for the words "five years" wherever they occur, the words "seven years" shall be substituted.

Amendment of section 4 of Bom. VIII of 1938.

4. In sub-section (*1*) of section 4 of the said Act, for the figures "1943" the figures "1945" shall be substituted.

Amendment of section 9 of Bom. VIII of 1938.

5. In sub-section (*1*) of section 9 of the said Act, for the figures "1942" where they occur for the first time, the figures and words "1943 and the 15th day of May 1944", and for the figures "1942" where they occur for the second time, the figures and words "1943 and the 30th day of June 1944, respectively" shall, respectively, be substituted.

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TATEMENT.

The Bombay Agricultural Debtors Relief Act, 1939, and the Bombay Tenancy Act, 1939, having been applied only to a few Talukas and Pethas, the Bombay Small Holders Relief Act, 1938, is at present in force in much the greater part of the Province. If the Act is not renewed, it will cease to be in force from the 31st of March this year.

2. Government has again given careful consideration to the question of keeping the Act alive and has come to the conclusion that in the circumstances now prevailing it is necessary to extend the life of the Act. The Act is accordingly being continued for a further period of two years.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.